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October 1, 2008

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Federal Communications Commission
Office of the Secretary

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VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: Federal-State Joint Board on Universal Service
CC Docket No. 96-45

Dear Secretary Dortch:

On behalf of Cellular South Licenses, Inc. (SAC 259004) ("Cellular South"), please find attached a redacted, public version of Cellular South's Annual ETC Report under Section 54.209 of the FCC's Rules ("ETC Report"). The attached ETC Report has been marked "**REDACTED - FOR PUBLIC INSPECTION.**"

Cellular South is also submitting, under separate cover, a confidential version of this ETC Report. The confidential version is marked "**CONFIDENTIAL - NOT FOR PUBLIC INSPECTION.**"

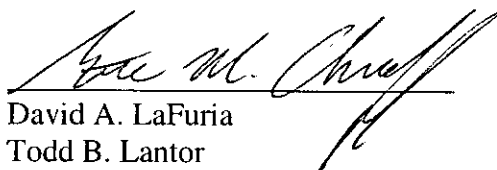
An original and four (4) copies of this ETC Report are enclosed. An additional copy has been provided, which you are requested to date-stamp and return in the envelope provided.

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Marlene H. Dortch
October 1, 2008
Page 2

Please contact the undersigned at 703-584-8678 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven M. Chernoff", is written over a horizontal line.

David A. LaFuria
Todd B. Lantor
Steven M. Chernoff

Attorneys for:
Cellular South Licenses, Inc.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)

Federal-State Joint Board on)
Universal Service)
_____)

CC Docket No. 96-45

ANNUAL CERTIFICATION OF CELLULAR SOUTH LICENSES, INC.

Cellular South Licenses, Inc. ("Cellular South", the "Company") an Eligible Telecommunications Company in the State of Alabama hereby provides the Commission with an annual compliance filing containing information as set forth in the Commission's Order in the above-captioned proceeding ("*ETC Certification Order*")¹ and in the Commission order designating Company as an ETC.²

1. Construction Plan Progress and Use of Support.

Pursuant to the *ETC Report and Order*, an ETC must "submit... progress reports on the ETC's five-year service quality improvement plan, including maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received and how support was used to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not

¹ *Report and Order In the Matter of the Federal-State Joint Board on Universal Service*, 20 FCC Rcd 6371 (2005) ("*ETC Certification Order*").

² *See Federal-State Joint Board on Universal Service, Cellular South License, Inc.*, DA 02-3317 (W.C.B. rel. Dec. 4, 2002)

been fulfilled.”³ Cellular South was first designated as an ETC in Alabama on December 4, 2002.

Cellular South provides its five-year plan in Exhibit A.⁴ During the last twelve-month period the company has received a total of [REDACTED] in Universal Service Support. Information provided below is as of June 30, 2008 which is the company’s most recent quarterly period for which accounting data is available.

During the same period, Cellular South invested [REDACTED] in capital improvements.⁵ Specifically, for the period between June 30, 2007 and June 30, 2008, Cellular South completed construction of [REDACTED] site. Cellular South has also improved existing cell site coverage, performance and reliability by upgrading antennas, deploying generators, and installing microwaves.

2. Outage Reporting.

In the last twelve months Cellular South has not had any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in its designated service area in Alabama, pursuant to the *ETC Certification Order*.⁶

3. Service Requests.

In the last twelve months, there were no unfulfilled requests for service from potential customers within the designated ETC service area. However, Cellular South

³ See *ETC Certification Order*, *supra*, 20 FCC Rcd at 6400.

⁴ This information is also proprietary and competitively sensitive; therefore, it is also being submitted under seal and is subject to U.S. Cellular’s request for confidential treatment.

⁵ This figure does not include operating expenses for high cost cell sites that were constructed in prior years. In addition, as outlined in its five-year plan, Cellular South expects that capital expenditures and operating expenses for high cost cell sites to be constructed in the next several years shall exceed the anticipated high cost support.

⁶ See *id.*

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hereby certifies that it continues to follow the six-step process for provisioning service to requesting customers.

Specifically, in response to such requests for service at a residence or business, Cellular South will take the following steps:

1. If a request comes from a customer within its existing network, Cellular South will provide service immediately using its standard customer equipment.

2. If a request comes from a customer residing in any area where Cellular South does not provide service, Cellular South will take a series of steps to provide service.

- * First, it will determine whether the customer's equipment can be modified or replaced to provide acceptable service.

- * Second, it will determine whether a roof-mounted antenna or other network equipment can be deployed at the premises to provide service.

- * Third, it will determine whether adjustments at the nearest cell site can be made to provide service.

- * Fourth, it will determine whether there are any other adjustments to network or customer facilities which can be made to provide service.

- * Fifth, it will explore the possibility of offering the resold service of carriers that have facilities available to that location.

- * Sixth, Cellular South will determine whether an additional cell site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluate the costs and benefits of using scarce high-cost support to serve the number of customers requesting service. If there is no possibility of providing service short of these measures, Cellular South will notify the customer and notify the FCC of how many

requests for service could not be filled in its next annual certification report. The FCC will retain authority to resolve any customer complaints that Cellular South has refused to respond to a reasonable request for service.

4. Consumer Complaints.

In the twelve months prior to June 30, 2008, Cellular South has received and responded to one consumer complaint filed with the FCC in the designated ETC service area.

5. Commitment to CTIA's Consumer Code for Wireless Services.

In the *ETC Certification Order*, the FCC reiterated that carriers must certify that they comply with applicable service quality and consumer protection standards, e.g., the CTIA Consumer Code for Wireless Services ("CTIA Code").⁷ Cellular South hereby certifies that it abides by the CTIA Code, as it may be amended from time to time, for all of its operations in Alabama. The Company is a signatory to the CTIA Code and is listed with the CTIA as having fully implemented the CTIA Code's provisions.

6. Ability to Remain Functional in Emergencies.

The FCC's rules require an ETC applicant to:

demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged

⁷ Under the CTIA Consumer Code, wireless carriers agree to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy. The CTIA Code can be viewed on the Web at http://www.wow-com.com/pdf/The_Code.pdf.

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facilities, and is capable of managing traffic spikes resulting from emergency situations.⁸

Cellular South is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make important calls in the event of a hurricane or other emergency. Cellular South hereby certifies that the company is capable to function in emergency situations as defined in the above-referenced *ETC Certification Order* via the company's generators and via temporary microwaves.

7. Local Usage.

In the *ETC Certification Order*, the Commission concluded that each ETC must annually certify that it offers at least one local usage plan comparable to the one offered by the incumbent LEC in the service areas for which the applicant seeks designation.⁹ In the *ETC Certification Order* on which that requirement was based, FCC declined to adopt a specific local usage threshold or require that an applicant match the incumbent's offering. Rather, the FCC concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors. As examples, the FCC mentioned that an applicant may offer "a local calling plan that has a different calling area than the local exchange area provided by the LECs in the same region, or . . . a specified number of free minutes of service within the local service area."¹⁰ The FCC

⁸ *ETC Certification Order, supra*, at para. 25.

⁹ *See id.* at para. 32.

¹⁰ *Id.* at para. 33.

also envisioned cases where an applicant may offer an unlimited calling plan that bundles local minutes with long distance minutes.¹¹

Cellular South satisfies the FCC's local usage requirement. Customers may choose from a variety of plans with different combinations of local calling areas, included minutes, and monthly rates, to suit individual consumer needs. For example, Cellular South's Unlimited Calling Plan, which offers unlimited calling within a local calling area comprising Cellular South's licensed service area. The plan is available for a monthly price of \$49.99. Cellular South also offers a number of usage plans that allow customers to make calls or travel beyond the local calling area without incurring toll or roaming charges. The Nationwide 750 Plan, for example, offers unlimited local calling and unlimited nationwide long distance plus 750 minutes of nationwide roaming without per-minute charges, at a monthly rate of \$59.99.

Cellular South's service offering described above allow consumers to select a plan that provides them with equal or greater value than a wireline rate plan. Cellular South's licensed area – its smallest 'local' calling area – is much larger than rural ILEC local calling areas, which typically allow a consumer to reach only a few hundred or a few thousand people within an area made up of a handful of exchanges. Consumers who make calls primarily within Cellular South's licensed area will benefit from unlimited local calling at a low monthly price. If they travel more or make many calls to relatives or business associates beyond that area, they may benefit from one of the nationwide plans. Providing deeper geographic reach delivers a significant benefit to the consumer,

¹¹ *Id.*

REDACTED - FOR PUBLIC INSPECTION

and the FCC has cited studies concluding that "wireless service is cheaper than wireline, particularly if one is making a long distance call or when traveling."¹²

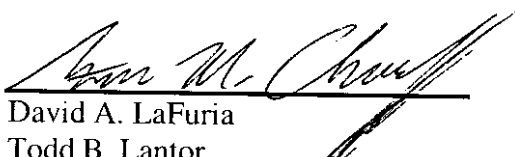
In sum, Cellular South certifies that it offers at least one plan that is comparable to ILEC rate plans under the applicable FCC test.

8. Equal Access.

As required of applicants before the FCC under the *ETC Certification Order*,¹³ Cellular South acknowledges that the FCC may require it to provide equal access to interexchange carriers in the event no other ETC is providing equal access in the designated ETC service area.

We trust that you will find this to be responsive to the compliance materials requested in the *ETC Certification Order* and in the orders designating Cellular South as an ETC in Alabama.

Respectfully submitted,



David A. LaFuria
Todd B. Lantor
Steven M. Chernoff
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1650 Tysons Blvd., Suite 1500
McLean, VA 22102
(703)584-8678

Attorneys for:
Cellular South Licenses, Inc.

Dated: October 1, 2008

¹² Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report & Analysis of Competitive Market Conditions with Respect to Commercial Mobile Servs., Ninth Report, 19 FCC Rcd. 20597, 20684, para. 214 (2004) ("Ninth CMRS Competition Report").

¹³ See *ETC Certification Order*, *supra* at para. 35.

DECLARATION UNDER PENALTY OF PERJURY

I, Benjamin C. Pace, do hereby declare under penalty of perjury as follows:

1. I am the Vice President of Finance of Cellular South, Inc.
2. This Affidavit is submitted in support of Cellular South, Inc.'s Annual Compliance Filing and Request for Recertification, pursuant to *Report and Order In the Matter of the Federal-State Joint Board on Universal Service*, FCC 05-46 (rel. March 17, 2005) and Sections 54.202 and 54.209 of the FCC's Rules.
3. I declare under penalty of perjury that the statements contained in the foregoing Annual Compliance Filing are true and correct to the best of my knowledge, information and belief.

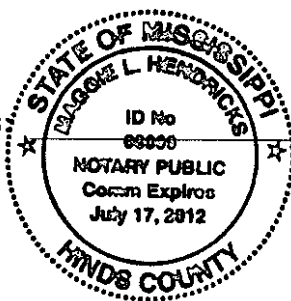
Executed on September 25, 2008

Benjamin C. Pace
Benjamin C. Pace
Vice President, Finance
Cellular South, Inc.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 25th day of September, 2008.

Margie L. Hendricks
NOTARY PUBLIC

My Commission Expires



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Exhibit A

Five-Year Quality Service Improvement Plan

**THIS EXHIBIT IS WITHELD AS THE FILER
HAS REQUESTED CONFIDENTIAL TREATMENT**